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STATE OF MICHIGAN
MICHIGAN EMPLOYMENT RELATIONS COMMISSION

BEFORE
A COMPULSORY ARBITRATION PANEL

THE COUNTY OF OGEMAW,

Employer,

-and-

MERC Case No: L83-J-918

FRATERNAL ORDER OF POLICE,
LABOR COUNCIL (OGEMAW COUNTY
DEPUTIES UNIT),

Union.

William Dance /

Ogemaw County

DECISION AND AWARD

These proceedings were commenced pursuant to the provisions of the Act entitled "Compulsory Arbitration of Labor Disputes, Policemen and Firemen", being Act 312 of the Public Acts of 1969 as amended, of the State of Michigan. This decision and award are made pursuant to the provisions of the said Act 312, as amended.

This decision and award is adopted as the decision and award of the Arbitration Panel hearing this matter by those members who signed the decision and award.

PRELIMINARY STATEMENT

In these proceedings, the Collective Bargaining Agreement (Joint Exhibit No. 1) will expire on December 31, 1984. The parties

Dance, William H

William H. Dance
7/7/84

negotiated, but could not resolve all aspects of their dispute, with the result that on December 15, 1983, the Union petitioned the Michigan Employment Relations Commission (MERC) for arbitration pursuant to Act 312 of the Public Acts of 1969, as amended.

Thereafter the parties continued to negotiate, but without success. The formal hearing was held at the Ogemaw County Offices, in West Branch, Michigan, on Monday, May 14, 1984.

The Panel hearing this matter consists of the Chairman, William H. Dance, Charles W. Jennings, for the County and John A. Lyons for the Fraternal Order of Police.

Exhibits admitted at the hearing were:

Joint Exhibit 1 - Collective Bargaining Agreement

Union Exhibit 1 - Wage Reopener Comparisons

Union Exhibit 2 - Rate Adjustments Compared

County Exhibit 1- Consumer Price Index

County Exhibit 2- Wage Comparisons

The issues to be addressed by the Panel are:

Issue No. 1: Wage increases, if any, under the Wage Reopener.

Issue No. 2: Term of the Collective Bargaining Agreement.

As can be seen, the parties initially filed a petition concerning the wage reopener of the current Collective Bargaining Agreement. Both parties suggested and argued their positions at the hearing, the Union having no objection to the term of

Agreement as an issue. The final offer of the County was received on May 26, 1984.

STATUTORY MANDATE

In accordance with the mandate of Section 8 of Act 312, Public Acts of 1969, as amended, the Arbitration Panel identifies the issues set forth above as the issues in the dispute between the parties. The parties, during the proceedings, did each submit its Last Best Offer of Settlement on each of these economic issues.

The statute mandates that the Arbitration Panel shall adopt the Last Best Offer of Settlement relative to each issue which, in the opinion of the Panel, most closely complies with the applicable factors prescribed in Section 9.

In accordance with this Section, the Panel must adopt either the Last Best Offer of the Union or the Last Best Offer of the County and is not permitted to engage in any further mediation or negotiations.

The mandate is contained in Act 312, Paragraph 423.239, Michigan Compiled Laws Annotated (Section 9), and it is upon this mandate and following these directives, that the Arbitration Panel must make its findings, opinions, and order. Those factors are the following:

- (a) The lawful authority of the Employer.
- (b) Stipulation of the parties.
- (c) The interest and welfare of the public and the financial ability of the unit of government to meet those costs.

- (d) Comparison of wages, hours and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally.
 - (i) In public employment in comparable communities.
 - (ii) In private employment in comparable communities.
- (e) The average consumer prices for goods and services, commonly known as the cost of living.
- (f) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays and other excused time, insurance and pension, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
- (g) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.
- (h) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, factfinding, arbitration or otherwise between the parties, in the public service or private employment.

The Panel will now proceed to the issues and to the decision and award in this matter.

PARTIES' LAST BEST OFFER POSITION
AND AWARD OF ARBITRATION PANEL

The Panel will now present the positions of the parties and the Panel's award on each issue respectively:

ISSUE # 1 - WAGE REOPENER

COUNTY'S LAST BEST OFFER:

Sergeant, Chief Deputy, Deputy, Detective - for these classifications, the County offers fifty-cents (.50¢) an hour retroactive to January 1, 1984 and an additional fifty cents (.50¢) an hour effective July 1, 1984.

Bailiff - for the classification of Bailiff, the County offers twenty-five cents (.25¢) per hour retroactive to January 1, 1984 and an additional twenty-five cents (.25¢) per hour effective July 1, 1984.

Cooks - for the classification of cooks, the County offers thirty-six cents (.36¢) per hour retroactive to January 1, 1984.

Chief Jailer and Jailer - for the classifications of Chief Jailer and Jailer, the County offers twenty-seven cents (.27¢) per hour effective July 1, 1984.

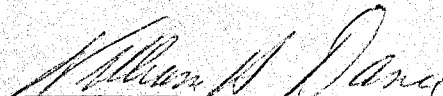
Secretary - for the classification of secretary, the County offers twenty-seven cents (.27¢) per hour effective July 1, 1984.

UNION'S LAST BEST OFFER:

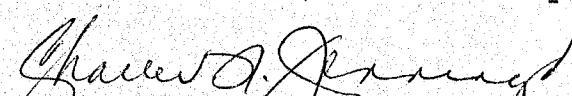
The Union accepts the offer of the County but dissents as to the effective date of the Jailer and Secretary increases.

THE PANEL'S AWARD:


The Panel adopts the last offer of the County.



William H. Dance, Panel Chairperson



Charles W. Jennings, County Delegate



John A. Lyons, Union Delegate

ISSUE # 2 - TERM OF AGREEMENT

COUNTY'S LAST BEST OFFER:


The County requests an extension of the current contract through year 1985, and will grant to all classifications in the bargaining unit a five (5%) percent wage increase effective January 1, 1985.

UNION'S POSITION:

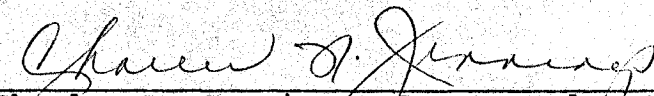
The Union has no objection to the County's offer.

THE PANEL'S AWARD:


The Panel adopts the offer of the County.



William H. Dance, Panel Chairperson

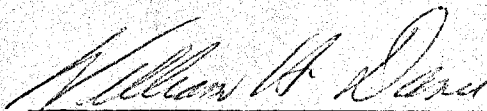


Charles W. Jennings, County Delegate

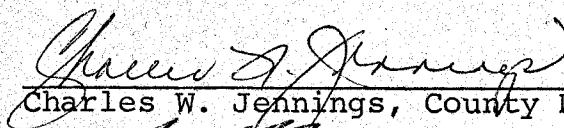


John A. Lyons, Union Delegate

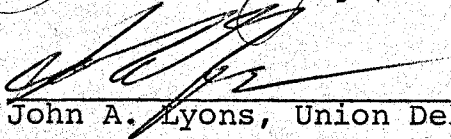
The remaining parts of contract between the parties which were resolved by the parties or not modified in any manner prior to the official acts and involvement of the Arbitration Panel, shall be and the same are incorporated by reference into this Award and are considered part of the Award.



William H. Dance, Panel Chairperson



Charles W. Jennings, County Delegate



John A. Lyons, Union Delegate